



PATENT

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant: Eli Cohen et al.
Serial No.: 09/974,044
Filed: October 10, 2001
For: Method and Apparatus for
Diagnosing Hemostasis
Group Art Unit: 1743
Examiner: Maureen Wallenhorst

) I hereby certify that this paper is being
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) **TECHNOLOGY CENTER R3700**

) Anthony G. Sitko
) Reg. No. 36,278

**COMBINED DECLARATION OF ELI COHEN, IRENE A NAVICKAS AND
BENJAMIN M. COHEN UNDER 35 U.S.C. § 131**

We, Eli Cohen, Irene Navickas and Benjamin M. Cohen do hereby declare as follows:

1. We are joint inventors of the subject matter disclosed and claimed in the above-captioned application.
2. We have been informed that the above-captioned application, US Application Serial No. 09/974,044 was filed October 10, 2001 ("our application").
3. We submit this Declaration for the purpose of providing evidence that the subject matter claimed in our application was conceived in the United States of America as of a date prior to May 25, 2001.
4. We have been informed that Beck et al., U.S. Patent Publication No. 2002/0178126, (hereinafter, "Beck"; a copy of which is attached hereto as Exhibit "A"), was cited against the claims pending in our application.

5. We have been informed that the effective date of Beck as an alleged prior art reference is May 25, 2001.

6. We have read and understood Beck, attached as Exhibit A.

7. To establish the date of conception of our invention prior to May 25, 2001, we provide evidence in the form of a document entitled "Strategy® Software Executive Overview" that we prepared and that is attached hereto as Exhibit "B" (dates have been redacted from Exhibit "B"). This document was prepared in the United States of America, where our invention was also conceived, prior to May 25, 2001. The document describes the invention of the above-noted patent application, and specifically includes a description of a method and an apparatus for the diagnosis of hemostasis involving an Internet-based software program referred to as Strategy®. The software product is described as an interactive, on-line, Internet-based tool that uses a combination of internal information (knowledge base) and user-provided data to return an interpretation of the patient's hemostasis condition.

8. Attached as Exhibit C are notes from a meeting between ourselves and our patent attorney, Anthony G. Sitko that occurred in the United States prior to May 25, 2001 (dates have been redacted from Exhibit C). A diagram at the center of the page of notes shows a "treatment apparatus" coupled by a network to an expert system, i.e., the Strategy® software program. The reference "35522??" is a reference to the attorney docket number for our patent application relating to the TEG® hemostasis analysis tool. Thus, the notes show our conception of an apparatus and method coupling a hemostasis analysis tool via a network to an expert system, such as the Strategy® software program, to facilitate the diagnosis of hemostasis.

9. All statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made

are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or patent issued thereon.

Feb. 10. 2004
Date

E. Cohen
Eli Cohen

2/16/04
Date

Irene A Navickas
Irene A Navickas

Feb. 16, 2004
Date

Benjamin M. Cohen
Benjamin M. Cohen